

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DeFRANCO,

Plaintiff,

V.

WILLIAM WOLFE, et al.,  
Defendants.

: No. 04-230-E  
: Magistrate Judge Baxter  
: District Judge Cohill  
:  
:  
:

FILED

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**PLAINTIFF'S APPEAL OF MAGISTRATE'S ORDER DOC. #262**

To: The Honorable Maurice B. Cohill, Jr.

AND NOW, comes plaintiff, respectfully appealing the Magistrate Judge's Order, Doc. 262, dismissing as moot, plaintiff's motion for extension of time, and in support:

1. Plaintiff filed a motion for extension of time (Doc. 245) asking the Court to extend the time for filing a supplemental reply brief in anticipation of having his medical professionals having the opportunity in reviewing his psychological files.

2. While plaintiff did file a supplemental brief in regards to summary judgment, that was specifically (as stated) due to his inadvertent omission of information/evidence that he wanted considered by the Court. The Magistrate Judge subsequently granted that request under a separate motion (Doc. 261).

3. Currently pending before this Court is plaintiff's reconsideration motion for the release of his psychological files being held by the defendants'. Plaintiff is seeking permission to file a supplemental brief once his medical professionals have an opportunity and submit their independent opinions.

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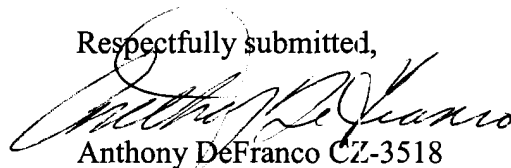
4. Certainly plaintiff should be allowed to have his medical professionals review his psychological notes, render an opinion and supplement this record with this *material* evidence that bears directly upon this case.

5. Plaintiff is asking this Court to grant him permission to supplement his summary judgment motion with his psychological notes and medical expert opinions.

WHEREFORE, plaintiff prays this Honorable Court will vacate the Magistrate's Order and allow him to supplement his motion for summary judgment once his medical professionals are able to render an opinion.

Date: 1/10/09

Respectfully submitted,



Anthony DeFranco CZ-3518  
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#### **Certificate of Service**

The foregoing was served by US  
First Class Mail, this date, upon  
The Attorney General's Office.